

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

RAYMOND PAYTON

CIVIL ACTION

VERSUS

NO: 13-181

WRIGHT ET AL.

SECTION "J" (1)

O R D E R

The Court, having considered the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge (Rec. Doc. 13), and Plaintiff's objections thereto (Rec. Doc. 14), hereby approves the Report and Recommendation of the United States Magistrate Judge and adopts it as its opinion herein.

The Magistrate Judge correctly determined that Plaintiff's false arrest claims against Officer Wright are barred by Heck v. Humphrey, 512 U.S. 477 (1994) because he pleaded guilty to a charge arising from that arrest. Therefore, the Court agrees that Plaintiff's claim is frivolous and must be dismissed with prejudice until such time as the Heck conditions are met.

Accordingly;

IT IS ORDERED that Plaintiff's objections (Rec. Doc. 14) are

hereby **OVERRULED**;

IT IS FURTHER ORDERED that the Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Rec. Doc. 13) as its own;

IT IS FURTHER ORDERED that Plaintiff's claim against New Orleans Police Officer D. Wright is **DISMISSED WITH PREJUDICE**.

New Orleans, Louisiana this 19th day of August, 2013.



CARL J. BARBIER
UNITED STATES DISTRICT JUDGE